

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

A. Kathleen Tomlinson
Honorable U.S. Magistrate Judge
100 Federal Plaza, Room 910
Central Islip, NY 11722

September 29, 2015

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ SEP 29 2015 ★

Re: **Jenkins v. LVNV Funding, LLC**
2:cv-14-05682 -SJF-AKT

LONG ISLAND OFFICE

Dear Judge Tomlinson,

Pursuant to your Order dated September 22, 2015 DE 29, the Plaintiff wishes to advise the court on his request to depose the eight (8) individuals listed in his amended deposition notice to the Defendant dated August 23, 2015.

Plaintiff wishes to depose Meghan Emmerich who LVNV identified as an Authorized Representative of LVNV Funding, LLC and Senior Manager of Litigation at Resurgent Capital Services, LP. She provided information and documents to the Plaintiff's First Set of Interrogatories to the Defendant.

Due to the fact that the Defendant has provided the identity of this individual, in direct response to my interrogatories, I intend to find out exactly what she knows, how she came across this information and when she came across whatever information she has.

As to Heather Bailey, Heidi Rhodes, Tammy Jordan and Kimberley Henderson their positions and/or titles are currently unknown but their names appear on ACDVs as the responder or authorized verifier of not only information regarding the tradeline that is in question but also according to the ACDVs it appears they work for LVNV Funding, LLC. These individuals are the one's that conducted the investigations in accordance with 1681s-2b and being that they did conduct those investigations, I intend to explore that fact. ***Please see attached Exhibit 1 as an illustration of all the individuals that appear on the ACDVs.***

As to Lisa Campbell, Sheena White and Sharonda Young who are no longer employed by neither LVNV or Resurgent, their positions and/or titles are currently unknown but their names appeared on ACDVs as the responder or authorized verifier of not only information regarding the tradeline that is in question but also according to the ACDVs it appears they worked for LVNV Funding, LLC. These individuals are the one's that conducted the investigations in accordance with 1681s-2b and being that they did conduct those investigations, I intend to explore that fact.

The testimony of the people appearing on the ACDVs and a 30(b)(6) witness the Defendant wants to substitute for those individuals on those ACDVs are not duplicative because the testimony of the individuals that conducted the actual investigations are far more reliable and credible than that of a witness who has no first hand fact knowledge of those investigations.

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Furthermore should the court accept the Defendant's argument that the individuals that appear on the ACDVs are employees of non-party Resurgent, I will be conducting the depositions in South Carolina.

Respectfully,

A handwritten signature in black ink, appearing to read "Jarrett R. Jenkins", is written over the typed name.

Jarrett R. Jenkins
334 Locust Street, Apt-1
West Hempstead, NY 11552-3044
516-841-3132
jrobertjenkins@gmail.com

cc: via email to Han Sheng Beh (HBeh@hinshawlaw.com)

EXHIBIT-1

PROGRAM:	CARPS90A	EXPIRATION - CONSUMER ASSISTANCE - CAPS	PAGE: 1
RUN DATE:	07/11/2011	ACTY Reason:	
RUN TIME:	12:42:37	Auto Response: Printed - Manual Status	
SUBCODE:	1623040	ACCOUNT #: 4460	
		SUBSCRIBER: LVNY Bundling	
DISPUTE REASON:	112 - Claims inaccurate information. Did not provide specific dispute. Provide complete ID and verify account information.		
REMARKS:			
CONSUMER IDENTIFICATION		SUBSCRIBER CONSUMER ID	
Name:	JARRETT ROBERT JENKINS	JARRETT R JENKINS	
SSN:	DOB:		
Curr Address:			
ZIP:	BALDWIN, NY		
Prev Addr 1:	11510		
Prev Addr 2:			
Account Name:			
RESPONSE:	02 - Modify account information as indicated.		
TRADE INFORMATION		SUBSCRIBER RESPONSE	
Acct Condition/Comm Status:		COLL ACCT	ON PROFILE
Acct Status/Reason:			
Payment Reason:			
CL:	ECOA:		
Balance:	Balance Date:	3.879	01/31/2013
Acct Past Due:	3.879	3.822	12/10/2012
Orig Delinq Date:	07/26/2008	3.822	
Credit Limit/Orig Amt:	0		
High Credit Balance:	3.311	3.312	
Charge Off Amt:			
Sch Monthly Pay:	Act Pay:	0	
Portfolio Name:			
Date Last Pay:			
Open Date:	Closed Date:		
Spec Comm Code:		09/23/2011	
Comm Control Code:	XB		
Type:	Term:	Free:	
Original Creditor:	PC	OC	1001
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